

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 19

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ALEXANDER HAEUSSLER and HELMUT WISS

Appeal No. 2003-0085
Application No. 09/463,925

ON BRIEF

Before COHEN, FRANKFORT, and MCQUADE, Administrative Patent Judges.

FRANKFORT, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 12 through 16, 18, 20 through 26, 28, 30 and 31. Claims 17, 19, 27 and 29, the only other claims remaining in the application, have been objected to by the examiner, but are indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 1 through 11 have been canceled.

As noted on page 1 of the specification, appellants' invention relates to a method and/or device for modeling a hydraulic system having two peripheral volume storage vessels, each of which is connected to a central volume storage vessel by a valve, based on a hydraulic model, i.e, a method for estimating pressure and/or volume changes in the hydraulic system in response to external changes. Appellants indicate that an objective of the present invention is to provide a system which is able to respond faster to pressure differences between the peripheral volume storage vessels than known methods or systems. More particularly, appellants use a method and/or device for estimating pressure and/or volume changes based on a hydraulic model in a hydraulic system having two peripheral volume storage vessels, each of which is connected to a central volume storage vessel by a valve, wherein the estimate is based at least at times on a model in which a direct connection to the peripheral volume storage vessels exists, regardless of whether the peripheral volume storage vessels are simultaneously connected directly to each other. Appellants' model used in the method and/or device is shown in Figure 3 of the application drawings and its function in the context of control of a hydraulic braking system like that in Figure 1 of the application during a braking

Appeal No. 2003-0085
Application No. 09/463,925

action is described on pages 6-8 of the specification.
Independent claims 12 and 22 are representative of the subject matter on appeal and a copy of those claims can be found in the Appendix to appellants' brief.

The sole prior art reference of record relied upon by the examiner in rejecting the appealed claims is:

Fijioka et al. (Fijioka)	5,545,929	Aug. 13, 1996
--------------------------	-----------	---------------

Claims 12 through 16, 18, 20 through 26, 30 and 31 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Fijioka.

Claims 18 and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fijioka.

Rather than reiterate the examiner's commentary regarding the above-noted rejections and the conflicting viewpoints advanced by the examiner and appellants regarding those rejections, we make reference to the examiner's answer (Paper No. 15, mailed June 28, 2002) for the reasoning in support of the rejection, and to appellants' brief (Paper No. 14, filed June 4,

Appeal No. 2003-0085
Application No. 09/463,925

2002) and reply brief (Paper No. 16, filed September 3, 2002) for the arguments thereagainst.

OPINION

In reaching our decision in this appeal, we have given careful consideration to appellants' specification and claims, to the applied prior art Fijioka reference, and to the respective positions articulated by appellants and the examiner. As a consequence of our review, we have made the determinations which follow.

Having reviewed and evaluated the Fijioka patent, we share appellants' assessment of the rejections on appeal and agree with appellants that Fijioka does not disclose, teach or suggest a method (e.g., claim 12) or system (e.g., claim 22) like that defined in the claims before us on appeal, or render obvious claims 18 and 28. In that regard, we share appellants' views as expressed on pages 5 through 7 of the brief and in the reply brief, which positions we adopt as our own.

Appeal No. 2003-0085
Application No. 09/463,925

In light of the foregoing, the decision of the examiner to reject claims 12 through 16, 18, 20 through 26, 30 and 31 under 35 U.S.C. § 102(b) based on Fijioka is reversed, as is the rejection of claims 18 and 28 under 35 U.S.C. § 103(a) based on Fijioka.

REVERSED

IRWIN CHARLES COHEN)	
Administrative Patent Judge)	
)	
)	
)	
)	BOARD OF PATENT
CHARLES E. FRANKFORT)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
)	
)	
)	
JOHN P. MCQUADE)	
Administrative Patent Judge)	

CEF/lbg

Appeal No. 2003-0085
Application No. 09/463,925

KENYON & KENYON
ONE BROADWAY
NEW YORK, NY 10004